

This case is an impermissible collateral attack on the state court’s judgments. *See United States vs. Shepherd*, 23 F.3d 923, 924 (5<sup>th</sup> Cir. 1994)(where a federal court is “in essence being called upon to review the state-court decision,” that court is “precluded” from such reviews)

(citing *District of Columbia Court of Appeals vs Feldman*, 460 U.S. 462, 482 n.16 (1983)). “A federal complainant cannot circumvent this jurisdictional limitation by asserting claims not raised in the state court proceedings or claims framed as original claims for relief.” *Id.* Federal courts do not set as appellate courts with jurisdiction over state courts’ judgments.


In addition, to the extent that Plaintiffs sue *pro se* under the Fourth Amendment on behalf of their minor son, or one on behalf of the other adult, they do not have standing to assert those claims because neither is an attorney. See *Alderman vs Unites States*, 394 U.S. 165 (1969) (“[T]he general rule [is] that Fourth Amendment rights are personal rights which, like some other constitutional rights, may not be vicariously asserted.”); *Sprague vs. Texas Department of Family & Protective Services*, 547 Fed. App’x 507, 507-508 (5<sup>th</sup> Cir. 2013)(“We affirm the district court’s ruling on the narrow ground that because Sprague is proceeding *pro se*, she may not assert claims on behalf of her minor child.”).

For all of the above-stated reasons, Defendants’ motion to dismiss pursuant to Rule 12(b)(1) for lack of jurisdiction is **GRANTED**.

All of the Plaintiffs’ claims and causes of action against Defendants are hereby **DISMISSED WITHOUT PREJUDICE**.

It is **SO ORDERED**.

Signed this the 18<sup>th</sup> day of January, 2017.

  
**MARY LOU ROBINSON**  
Senior United States District Judge